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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 CALIFORNIA DEPARTMENT OF
11 TOXIC SUBSTANCES CONTROL,

12 Plaintiff,

CIV-S-02-0018 GEB/JFM/GGH

13 vs.

14 BRIGHTON OIL COMPANY, et al.,

15 Defendants.

ORDER

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17 Pursuant to the court's order of September 28, 2005, Mid-Valley Development
18 and its principal, Mr. Smith, along with attorney Jeffory Scharff, appeared before the
19 undersigned. After an off the record discussion, it was agreed:

- 20 1. Mr. Scharff will not be withdrawing as counsel;
21 2. Mid-Valley Development will immediately pay its allotted share of the initial
22 assessment;
23 3. Mid-Valley Development will discuss a potential payment plan for the second
24 ordered assessment with the oversight committee;

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1 4. Mid Valley Development will permit access forthwith to Clayton as necessary;
2 the issue of “generator” liability is deferred pending further discussion of the parties or resolution
3 before the undersigned.

4 IT IS SO ORDERED.

5 DATED: 10/6/05

/s/ Gregory G. Hollows

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7 GREGORY G. HOLLOWS
8 UNITED STATES MAGISTRATE JUDGE

GGH:gh:035
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